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SECRETARIAT OF THE COMMITTEE OF MINISTERS  
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COMMITTEE  
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Contact: Clare OVEY  
Tel: 03 88 41 36 45

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Communication from Armenia concerning the case of Muradyan v. Armenia (Application No. 11275/07)

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Réunion : 1294<sup>e</sup> réunion (septembre 2017) (DH)

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Communication de l'Arménie concernant l'affaire Muradyan c. Arménie (Requête n° 11275/07)  
**(anglais uniquement)**

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**THE GOVERNMENT OF THE REPUBLIC OF ARMENIA**

**ACTION PLAN**

**CASE OF MURADYAN v. ARMENIA**

*(Application no. 11275/07, final on 24 February 2017)*

(Supervised by the Committee of Ministers under the enhanced procedure)

## **STATE OF EXECUTION OF THE JUDGMENT**

### **I. VIOLATIONS OF THE CONVENTION FOUND BY THE COURT**

1. The case concerns the absence of an effective investigation into the death, in 2002, of the applicant's son, an Armenian military conscript based in Nagorno Karabakh. The applicant alleged that his son had died following ill-treatment by his superior – three military officers (procedural violation of Article 2). The Court also considered that the authorities failed to provide a plausible explanation for the injury sustained by the applicant's son and his ensuing death (substantive violation of Article 2).

### **II. INDIVIDUAL MEASURES**

2. The just satisfaction awarded by the Court (the amounts of EUR 50,000 in respect of non-pecuniary damage and EUR 165 in respect of costs and expenses) was transferred to the applicant's bank account on 24 May 2017 (within time limit).

3. On 30 June 2017 the Court of Cassation reopened the case. The Government is actively seized of the matter in question and is of the opinion that the initiated proceedings will be in compliance with the Convention obligations and standards. The Government will periodically update the Committee of Ministers as to the progress of the proceedings in question.

### **III. GENERAL MEASURES**

#### **System recovery policy**

4. Gravely concerned over the cases of non-combat deaths, torture and ill-treatment occurred in the Armenian armed forces, and fully acknowledging the existence of the problem in question, Armenian authorities prioritize the development of the system recovery policy. At the same time national authorities are mindful that army-related reforms could be effectively derived from clear and targeted mid-term and long-term actions.

5. Being under both the Council of Europe (CoE) and the United Nations (UN) human rights treaty bodies permanent monitoring cycle, the State - through effective execution of the Court's judgments and reporting on the implementation of the relevant recommendations - makes its constant and continuous commitment to ensure respect, protection and fulfillment of the rights set out in the treaties to which the State is party.

6. Considering that it as a long-term process, at the same time Armenian authorities constantly broaden and accelerate these reforms. Main priorities (among the others, improvement of the application of the Court's standards, criminal justice reforms, fight against ill-treatment, strengthening the protection of human rights in the armed forces) identified by the Armenian authorities and the CoE, as well as UN treaty bodies, are included in the Armenian Strategy on Human Rights Protection and its Human Rights Action Plan (2017-2019).

7. Acknowledging the fact that Armenia made considerable progress in advancing democratic reforms and political will demonstrated by the Armenian authorities to this effect,<sup>1</sup> the CoE expresses its commitment to continue supporting Armenia through the possibilities offered by the CoE Action Plan for Armenia (2015-2018). Continuing and newly emerged priorities presented in the CoE Action Plan for Armenia were synchronized with the national Human Rights Action Plan (2017-2019), and its implementation would be jointly assessed by the CoE and Armenian authorities. In both documents the emphasis is given to human rights protection in the armed forces, effective prevention and investigation of ill-treatment and non-combat death cases.

#### National projects

8. Guided both by the CoE Action Plan for Armenia and national Human Rights Action Plan, among the others, two main targeted Projects – ***Supporting the Criminal Justice Reform and Combating Ill-treatment and Impunity in Armenia***<sup>2</sup>; ***Strengthening the Application of European Human Rights Standards in the Armed Forces in Armenia***,<sup>3</sup> have been launched by the CoE. It is, *inter alia*, expected that as a result of both Project: (i) the legislation on criminal matters and institutional mechanisms for combating ill-treatment, as well as relevant military legislation will be reviewed and made in compliance with the Court's standards; (ii) the capacity of Justice Academy to train investigators, and of the Human Rights and Integrity Center of the Ministry of Defence to ensure human rights compliance will be improved; (iii) prevention of human rights violations and external monitoring will be improved; (iv) effective investigation of ill-treatment, non-combat deaths and other serious human rights violations in the armed forces will be improved.

#### "Citizen in uniform" concept as a new policy

9. During recent years, "*the soldier as a citizen in uniform*" concept is highly prioritized by the State authorities, especially by the Ministry of Defence. Control by the civilian government over the armed forces is strengthened.<sup>4</sup> Respect for human rights and fundamental freedoms for all, whether professional or conscripted - as an essential mechanism for safeguarding the democratic control of the armed forces, became part of the comprehensive State defence policy. Among the others, guided by specific recommendations made by the Commissioners for Human Rights of the CoE on their visits to Armenia in 2011 and 2014 respectively<sup>5</sup>, regular and extensive instructions are given on how military structures can successfully integrate respect for human rights without compromising military efficiency.

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<sup>1</sup> [GR-DEM\(2013\)3](#); also referred in the CoE Action Plan for Armenia 2015-2018, page 4.

<sup>2</sup> The Project aims at strengthening the implementation of the ECHR standards in Armenia in the context of fight against torture, ill-treatment and impunity, with specific objectives to support the alignment of human rights policies and practice in the field by ensuring compliance of legislative and regulatory frameworks with European standards and build the capacity of legal professionals and law enforcement officers.

<sup>3</sup> The main objective of the Project is to contribute to a better protection of human rights in the armed forces in Armenia, with the specific objectives to improve the national capacity to apply European human rights standards, to raise the effectiveness of investigation and other procedures concerning ill-treatment, non-combat deaths and other serious human rights violations in the armed forces.

<sup>4</sup> <http://www.mil.am/en/news/4577>

<sup>5</sup> CommDH(2011)12; CommDH(2015)2.

10. In that respect, according to the official information provided by the Ministry of Defence on 2 August 2017, for tackling the issue of the human rights situation in the army, comprehensive measures are systemically undertaken. With the aim of protection and prevention of human rights abuses and for human rights awareness-raising, various courses, trainings, discussions, seminars, meetings, together with international organisations and relevant state bodies, are periodically organised (the information provided by the Ministry of Defence is presented in the Annex to the Action Plan).

11. According to the information provided by the Ministry of Defence, guided by the established procedure, internal investigations are conducted into all offences and incidents taking place in the military units of the Armed Forces in order to reveal the shortcomings and omissions. Regular orders are issued and specific instructions are given to the commanding staff both with preventive and protective dimensions. Pursuant to the orders issued as a result of the internal investigations, as a rule, disciplinary liability is imposed on both conscripts and military officials.

12. Analysis of the recent years shows that the steps are being taken to contribute to the reduction of the non-combat deaths and suicides. In particular, certain indicators have significantly improved as compared to the last year. For example, the number of deceased servicemen (including victims of violations of weapon safety rules, suicide and murder) has decreased by around 64 % (information is provided by the Ministry of Defence on 2 August 2017).

#### Human Rights Center

13. For a better promotion of the new policy of civilian, democratic supervision of the armed forces generally, and “citizen in uniform” concept specifically, special Center for Human Rights and Integrity Building (the Center)<sup>6</sup> was established which is under direct supervision of the Minister of Defence, and is operationally independent from the military hierarchy<sup>7</sup>.

14. It is a multitask Center, aimed at an effective coordination of human rights protection in the army, human rights awareness raising, creation of an anti-corruption policy, ethics management changes in cooperation with international organisations, diplomatic missions, civil society and universities. The Center, among the others, is tasked to:

- Ø coordinate and combine the process of promoting human rights and integrity in different subdivisions of the Ministry of Defence and those of the General Staff of Armed Forces;
- Ø establish proper control over the fulfillment of obligations in the sphere of promoting human rights and integrity;
- Ø introduce new management methods based on respect for human rights as part of a commitment to democratic values;

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<sup>6</sup> The Center was established on 15 September 2015 by Order N1091 of the Minister of Defence.

<sup>7</sup> The Center is headed by the PhD professor specialized in human rights and sociology in the armed forces, previously worked as a military adviser to the Human Rights Defender of Armenia on servicemen’s rights protection issues.

- Ø initiate, organise, implement, monitor and assess programs related to the defence needs of the Republic of Armenia, as well as to the promotion of human rights and integrity within the framework of cooperation with international partners;
- Ø conduct comprehensive studies (research) of current situation of the human rights promotion and protection in the defence sphere and develop recommendations in that respect;
- Ø organise unannounced visits to subdivisions and military units for the purpose of operative assessment of the state of promoting human rights and integrity in the defence sphere or studying specific target issues;
- Ø provide recommendations, practical and methodological instructions to the subdivisions on topics of promotion of human rights and integrity in the defence sphere, as well as develop corresponding action plans, if needed, and monitor their implementation;
- Ø organise joint conferences, discussions, courses and other events with international partners, academic and educational institutions and non-governmental organisations;
- Ø provide support in systematic review and improvement of concept papers, curricula, regulatory legal acts related to the defence sphere.

15. It should be noted that within the CoE national (ongoing) project *Strengthening the Application of European Human Rights Standards in the Armed Forces in Armenia*, it is planned to enhance the capacity of the Center to ensure human rights compliance and promote them within the armed forces.

#### Oversight over the armed forces

16. For the contribution to the democratic and civilian control of the armed forces and having the advantage of being credible to complainants and public, without the authority of the military chain of command being undermined, the Human Rights Defender of the Republic of Armenia (Defender) is a good example of a civilian oversight over the army and is considered to be as an effective independent complaint mechanism.

17. Human rights protection and prevention of possible violations in the armed forces is one of the main directions of the Defender's activity. According to the information provided on the official web-site of the Defender, on 3 June 2016 a specialized Department of servicemen's rights protection was set up, with its newly established subdivision (established on 5 June 2017), which aims to ensure the effective protection of military servants and their family members' rights. The Department, among the others, reviews complaints related to the violations of military servants and their family members' rights, provides them with legal advice and organises meetings with citizens.

18. In order to foster the trust of the victims' family members and the public, the Expert Council on issues concerning the rights of military servicemen, adjacent to the Defender's office, was established. It consists mainly of civil society members – independent experts, members of relevant NGO-s, servicemen's family members. It is tasked with the discussions and considerations of existing human rights problems, and possible solutions in that respect.

19. The Defender's office hot-line service enables military servants and civilians to report effectively on any issue related to the armed forces via free call, which is available 24 hours a day - even on non working days. According to the information provided by the Defender's office, based on the established practice, any complaint recorded via hotline is forwarded to the relevant subdivision for the purpose of examining the complaint, and taking relevant measures under direct supervision of the Defender.

20. Within its mandate, for the effective and operational protection and prevention of human rights violations, the Defender organises regular unauthorized visits to the military units. According to the information provided by the Defender's office, as an OPCAT mechanism it monitors places of deprivation of liberty under the authority of the Ministry of Defence as well.

Conclusions and measures to be taken:

*New course of defence policy taken by Armenian authorities is mostly concentrated on furthering the:*

- Ø *acknowledgment and entitlement of all members of armed forces to the same rights as other individuals (subject to certain restrictions inherent to military life) in conformity with the jurisprudence of the Court and international human rights law;*
- Ø *consideration of respect of human rights not merely as a legal obligation of the State, but also as an obligation to create a professional culture within the military that includes respect for human rights as part of a commitment to democratic values;*
- Ø *establishment of trustworthy relations between soldiers and their commanders, fostering a positive image of armed forces in society;*
- Ø *increase of democratic, civilian supervision of armed forces, and more operational control of human rights protection in the army;*
- Ø *elimination of the torture and ill-treatment in the armed forces.*

*Noting some progress in the military system recovery policy, at the same time, the Government is mindful that this is an ongoing process and continuing measures should be taken for the effective implementation of the new strategy of democratic control of armed forces, and actions deriving from that strategy.*

**Measures taken to address the violations found**

21. Recalling the jurisprudence of the Court, the Government acknowledge that the violation of the right to life in the army makes the State responsible, *inter alia*, to carry out an effective investigation in order to reveal the circumstances surrounding the death and those responsible. The issue in question is under the continuous attention of the Armenian authorities. Constant measures are undertaken to guarantee main requirements – *independence, legislative and administrative framework, promptness, public scrutiny* - of effective investigation established by the Court.

Independence

22. Guided by the requirement of the Court concerning the effectiveness of the investigation, according to which the persons responsible for carrying out the investigation

should be independent from those implicated in the events, structural changes were made in the investigative system to guarantee hierarchical and operational independence.

23. Due to the legislative reforms, neither the Police, nor the Ministry of Defence does conduct preliminary investigation anymore. Criminal procedure legislation strictly defines and separates the functions of the bodies authorized to conduct investigation of, *inter alia*, torture cases. According to Article 190 of the Criminal Procedure Code, the cases of torture committed by public officials are investigated by the investigators of the Special Investigation Service of the Republic of Armenia (the SIS). As to the investigation of ill-treatment cases within the military, these crimes are investigated by the Investigative Committee of the Republic of Armenia (the Committee).

24. The Government find it essential to point out that the Committee, among the other crimes, deals with the investigation of torture cases allegedly committed during military service; all other torture cases are investigated by the SIS (more detailed about the SIS in the Action Plan of *Zalyan and others v Armenia*, updated on 28/02/2017). Both the SIS and the Committee are institutionally and structurally independent bodies.

25. The Government would like to note that the Investigative Committee is an independent body established in June 2014 on the base of the Law on Investigative Committee, which authorized to conduct preliminary investigation of cases. After the initiation of proceedings, the investigator is authorized to lead the course of investigation independently in order to provide comprehensive, complete and objective examination of the case, to make necessary decisions, to conduct investigatory and other procedural actions in accordance with the provisions of the Criminal Procedure Code.

26. Moreover, within the structure of the Committee, General Military Investigative Department (consists of ten subdivisions – garrison units), as a part of the system, organises and conducts preliminary investigation of crimes attributed to military service.

27. It is worth to highlight, that both the Committee and the General Military Investigative Department are hierarchically and structurally independent from Ministry of Defence, the investigators are not servicemen, the Head of Investigative Committee and deputies are appointed by the President of the Republic of Armenia, the other investigators are appointed by the Head of Investigative Committee. These reforms exclude possibility of any investigation by the military officers who have had direct or indirect involvement in the alleged crime.

#### Legislative and Administrative framework

28. In order to fulfill the convention obligations, legislative framework has been introduced with both a preventive and investigative dimension. Amending the definition of torture was taken as a starting point which entailed other related comprehensive legislative reforms as well (more detailed in the Action Plan of the *Virabyan group* of cases, updated on 14/10/2016). In particular, considering that the cases of torture - either committed by private actors or public officials - are subject to public criminal prosecution, authorities are obligated to investigate into such acts regardless of assertions of reconciliation between the alleged perpetrator(s) and the victim(s). Therefore, this can be considered as an additional guarantee for ensuring the initiation of criminal proceedings in each such case.



29. It should be noted that according to new regulations envisaged in the Draft CCP<sup>8</sup>, whenever a report of a prima-facie crime is received the prosecutor or investigator shall immediately prepare a protocol on initiating criminal proceedings (Article 178). Thus, it can be concluded that the investigative bodies would be under the obligation to start official proceedings each time they receive “credible assertions”.

30. Comprehensive steps are taken to increase the effectiveness of investigation and punishment of those who are involved in torture cases. In this context, highlighting the importance of introducing an adequate complaint mechanism against possible abuses and pressures towards persons subjected to torture, the Draft CCP provides that immediately after bringing before the inquiry body a protocol should be filed which, among the others, includes information on the injuries (if any) visible on the body or on the clothes of the arrested person, and his noticeable physical and mental state (Article 109). Furthermore, in contrast to the existing CCP, the Draft ensures that the victim of torture is eligible independently to apply to an expert for opinion and use the expert’s opinion as evidence (Articles 86 and 92).

31. Considering the importance of taking immediate steps to verify the allegations raised, and acknowledging the fact that any delay would have potentially resulted in loss of evidence, the Government, in its national human rights protection policy, among the others, prioritise the following measures: (i) introduction of audio or video recording equipment in interrogation rooms<sup>9</sup>; and (ii) the implementation of Istanbul Protocol.<sup>10</sup> The implementation of proper medical examination and documentation standards are also under the monitoring cycle of both CPT (para 82) and UNCAT (para 44).

#### Promptness and Reasonable expedition

32. Recalling the Courts findings in its well-established case law<sup>11</sup>, the Government highlight the importance of conducting prompt investigation in all those cases where the death caused as a result of force used by members of the armed forces, which is essential for, *inter alia*, maintenance of public confidence in the State’s adherence to the rule of law and prevention of any appearance of tolerance of unlawful act. In that respect both practical and legislative measures are taken.

33. Practice: The issue of conducting the investigative and procedural activities in due time was considered during the operational discussion with the Deputy Prosecutor General on 17

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<sup>8</sup> According to 2017-2022 Programme of the Government of the Republic of Armenia (approved by Decision of the Government of the Republic of Armenia No 646-A of 19 June 2017), it is planned to submit the revised draft CCP to the National Assembly for consideration by the end of 2017.

<sup>9</sup> This requirement is also included both in Financial Agreement of the Budget Support Program on Protection of Human Rights in Armenia (EU Program) and concluding observations of the UNCAT on the fourth periodic report of Armenia (para 11-12). Paragraph 2.3 of the Chapter concerning torture of the Financial Agreement of the Budget Support Program on Protection of Human Rights in Armenia (EU Program) requires establishment of legal framework to ensure audio-visually recordings during interrogations in 10 pilot Police stations during 2017. The establishment of the audio and video recording system is under monitoring cycle of mentioned bodies.

<sup>10</sup> For medical evaluation and proper documentation of torture and ill-treatment cases templates were drafted in line with the Istanbul Protocol and circulated among relevant state authorities on 22 June 2017; On 1st August 2017 the Ministry of Justice made a written proposal to the Justice Academy to develop a mandatory course on effective investigation and documentation of torture in accordance with the Istanbul Protocol.

<sup>11</sup> *Kelly and Others v. UK* case; judgment of 4 May 2001, para. 97, cited in the Explanatory Memorandum of the Recommendation CM/Rec(2010)4 of the Committee of Ministers to member states on the human rights of members of armed forces.

December 2016. It was specifically highlighted that whether proper investigation was not conducted, the prosecutors shall report on the violations found or submit a motion on the internal investigation to the head of the investigating authority, or, if it is necessary, shall remove the investigator from the case.

34. To exclude any unjustified delays and extensions, the Collegium of the Prosecutor's Office of the Republic of Armenia, dated 23 June 2017, as well as the Prosecutor General himself, among the others, gave strict instructions and orders to the corresponding subdivisions of the Prosecutor's Office to:

- Ø guarantee that the prosecutors are duly informed and guided by the relevant case-law of the Court, the Court of Cassation and Constitutional Court on ensuring the promptness and reasonable expedition of the investigation into ill-treatment cases;
- Ø ensure that prompt, objective and thorough investigation in practice is carried out by the investigating authorities without undue delays.

35. Legislation: In creation of a legislative framework for guaranteeing undue delays of investigation, the Draft CCP can be considered as a step forward. Among the others, it defines strict time-limits for pre-trial proceedings<sup>12</sup>. In each and every case, when the body conducting the criminal proceedings applies for extension, it should be justified before the court that, *inter alia*, all the possible procedural activities for revealing the circumstances essential for the proceedings have been conducted in due time without unreasonable delays.

#### Public Scrutiny

36. The Government would like to inform that it sustains a policy of openness and extensive cooperation with the civil society and media regarding the human rights protection and violation prevention in the armed forces. The Ministry of Defence immediately informs the public about deaths in military and non-military conditions. The progress in this field is, *inter alia*, highlighted in various international reports regarding human rights situation in the Armenian army.

37. Regular meetings with family members of the conscripts, as well as with the next of kin of the victims are organised with the Minister of Defence and other high ranking officials. Within the Ministry of Defence, various other *ad hoc* meetings can also be organised upon necessity or request.

38. As to the effectiveness of investigation, the Government note that measures are taken to secure accountability, as well as to ensure both in practice and in theory sufficient element of public scrutiny of the investigation or its results. Acknowledging that the degree of public scrutiny required by the Court may vary from case to case, the Government take all necessary

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<sup>12</sup> According to Article 192 of the Draft CCP, in the pre-trial proceedings, public criminal prosecution may not last longer than: 1) two months from the moment of its initiation - in case of proceedings related to a non-grave crime; 2) four months from the moment of its initiation - in case of proceedings related to a medium-gravity crime; 3) eight months from the moment of its initiation - in case of proceedings related to a grave crime; 4) 10 months from the moment of its initiation - in case of proceedings related to a particularly grave crime. In exceptional cases, when the interest of justice so requires, the time periods stipulated by this Article may be prolonged by a maximum of two months by a higher-ranking Prosecutor.

measures to secure that in all cases at issue, the next of kin of the victim be involved in the procedure to the extent necessary to safeguard his or her legitimate interests.

39. According to the information provided by the Investigative Committee on 27 July 2017, in each case of death in military and non-military conditions within the Armed Forces of the Republic of Armenia, the Investigative Committee immediately publishes preliminary information, after which information about the actions taken during preliminary investigation and the results of those actions continues to be disclosed upon consent of the next of kin of the victim. Besides, exhaustive information is provided in response to the inquiries made by non-governmental organisations with regard to the cases at issue. As far as the next of kin of the victims are concerned, they can be involved in the pre-trial proceedings from its initial stage (they are also provided with the opportunity to participate in the forensic medicine expert examination of the corpse and receive copies of the conclusions of the expert examinations during the preliminary investigation).

#### Other measures

40. As a general information, the Government would like to inform that recently the Prosecutor's Office has adopted a policy of periodic and article-by-article analysis of the Court's case-law in general, and of the cases with respect to Armenia in particular, by revealing the main shortcomings and giving operational instructions and orders to the corresponding subdivisions of the Prosecutor's Office. Relevant case-law of the Court, the Court of Cassation and Constitutional Court is regularly distributed among the corresponding subdivisions of the Prosecutor's Office to ensure that the prosecutors are guided by them in their day-to-day activities.

41. The General Prosecutor established the follow-up and evaluation mechanism for controlling the level of knowledge of Court's relevant cases, as well as the guidelines and instructions given during the Collegium of the Prosecutor's Office in that respect by: (i) including the mentioned information in the in-service attestations of investigators and prosecutors; (ii) including this questions in the final graduation exams in the Justice Academy; (iii) organising periodic prosecutorial visits to all subdivisions for controlling the practical implementation of the given instructions.

42. On 23 June 2017 the issue of raising the effectiveness of investigation and proper documentation of ill-treatment cases was discussed during the Collegium of the Prosecutor's Office of the Republic of Armenia. Based on the detailed analyses of the Court's assessments made, *inter alia*, in the cases of *Virabyan v Armenia*, *Zalyan and others v Armenia*, *Nalbandyan v Armenia*, and *Muradyan v Armenia*, as well as relevant recommendations made by the CPT and CAT in respect of Armenia, Collegium of the Prosecutor's Office of the Republic of Armenia gave specific instructions identical to the assessments and recommendations mentioned above.

43. For the purpose of the effective prosecutorial oversight and control with regard to non-combat death cases, as well as its possible prevention, strict assignments to the military prosecutors of the garrisons are given to:

- Ø Ensure proper and consistent prosecutorial control over each non-combat death case from the stage of preparation of materials up to defending the charge in the court.

- Ø Ensure that the actual causes of each non-combat death case are clarified and revealed, and the incident of a crime is properly and objectively qualified under the criminal law.
- Ø Exercise permanent and day-to-day control over the observance of time limits for preparation of materials and preliminary examination of criminal cases.
- Ø Promote the activities aimed at prevention of suicide-related crimes. Deliver lectures and hold seminars among the military officers and conscript, for the purpose of informing them about and clarifying to them the laws, other legal acts, orders, directives of the Minister of Defence, as well as relevant judgments.

44. According to the information provided by the Prosecutor's Office on 2 July 2017, the Court's relevant judgments, as well as those of the Court of Cassation, including the decisions on cases of death and ill-treatment are regularly sent from the General Prosecutor's Office to various subdivisions of the Prosecutor's Office in the prescribed manner. These decisions are discussed at operational consultations, as well as within the framework of annual regular trainings of prosecutors at the Justice Academy, and the prosecutors of the Prosecutor's Office are guided by the requirements of these decisions in their everyday activities. The case of *Muradyan v Armenia* was also duly disseminated to all subdivisions of the Prosecutor's Office.

45. Based on the information provided by the Investigative Committee on 26 July 2017, the Committee has also established a practice of organising operational meetings and discussions of assessments made by the Court in its relevant judgments in respect of Armenia. Violations found by the Court in the *Muradyan case* have been discussed by the subordinate subdivisions as well, and relevant assignments have been given.

#### New working methods

46. Noting the fact that the case of *Muradyan v Armenia* is the first case where the Court found the violation of Article 2 of the Convention in respect of Armenia both in its substantive and procedural aspects, as well as considering the specific and sensitive nature of the judgment, that is to say the complexity of the legal, military and political questions raised, the effective and prompt execution of this judgment is of high priority for Armenian authorities.

47. In that respect, while discussing the recently adopted judgment at issue during the meeting of the Standing Ministerial Committee on Legal Affairs, the Prime Minister specifically instructed the relevant authorities (Ministry of Defence, Judicial Department, Prosecutor's Office, Investigative Committee, Special investigation Service, Police, National Security Service ) to examine and analyse the shortcomings identified by the Court, to reveal the main causes of the violations found, to take all the required steps to prevent further similar violations by simultaneously disseminating the judgment to relevant bodies. At the same time, during the same meeting the Prime Minister also instructed the Minister of Justice to provide the *Muradyan* judgment to the Justice Academy for further inclusion of it in the academic courses.

48. Having regard to the relevant European human rights standards, in particular the Recommendation (2010)4 of the Council of Europe, which consolidated the most important principles and standards relating to the human rights and fundamental freedoms of members

of the armed forces, as well as guided by the Prime Minister's operational instructions, specific strategy has been developed to put in place effective and accessible mechanisms capable of ensuring comprehensive execution of the *Muradyan* judgment.

49. In this framework right after the delivery of the judgment in question, working meetings with the main stake holders - high ranking officials from the staff of the Ministry of Defence, Investigative Committee, General Prosecutor's Office, Military Prosecutor's Office, Military Police Officers, as well as the representatives of judiciary and justice academy, were held.

50. The main objective of the working meetings is to contribute, through the execution of the *Muradyan* case, to a better protection of human rights in the armed forces in Armenia, and more specifically to improve the prevention, identification, referral and handling of human rights violations in the armed forces, with a particular focus on ill-treatment and non-combat death.

51. During the working meetings detailed discussions were held in respect of a number of serious flaws in the investigation identified by the Court; operational consultations were made to elaborate measures to tackle the identified problems, with further preventive dimensions. Operational consultations and meetings were also held in the relevant subdivisions of the above mentioned state agencies, with specific instructions and orders given to them. It is suggested to further the working meetings and consultations with strict periodicity and timeframe (results of the meetings, more detailed, would be presented in the further action plans of the case at issue).

52. Simultaneously, working discussions were held with the *Strengthening the Application of European Human Rights Standards in the Armed Forces in Armenia* CoE Project Manager, as well as with the Project's national and international experts, with the view to discuss the main objectives pursued by the CoE Project in question, and prospects of possible assistance to effective and prompt execution of recently adopted *Zalyan and Others v Armenia* and *Muradyan v Armenia* judgments. Within the framework of the ongoing Project and with a specific focus on execution of the judgments at issue, it is proposed to continue constructive and result oriented meetings with the Project experts.

53. As a next step, it is planned to have working meetings with the members of civil society in order to have their vision of possible improvements and development in the field of human rights protection in the army, and which is even more important, to further the meetings with the next-of-kin of the victim to ensure his involvement in the execution process to the extent necessary to safeguard his legitimate interests.

54. Acknowledging the important and unique role of the Human Rights Defender in the development of the field in question, and considering the fact that protection of servicemen's rights and freedoms is one of the main directions of the Defender's activity, the Government also take steps to cooperate and have practical consultations with the Defender's office for the better improvement of the field under consideration.

*Conclusions and measures to be taken:*

*In order to better address the shortcomings, it is to be noted that:*

*Armenian authorities make continues efforts to raise the effectiveness of investigation of ill-treatment and non-combat death cases; currently both the SIS and the Committee are in a position to independently conduct prompt and effective investigation of those cases.*

*Continues legislative and practical steps are undertaken to improve the national capacity to apply European human rights standards in the armed forces and to improve the prevention, identification, referral and handling of human rights violations in the armed forces, with the particular focus on ill-treatment and non-combat death cases.*

*It is suggested to continue and develop the recently adopted policy [by the Prosecutor's Office] of periodic and article-by-article analysis of the Court's case-law in general, and the cases with respect to Armenia in particular, by revealing the main shortcomings and giving operational instructions and orders to the corresponding subdivisions of the Prosecutor's Office.*

*Steps are taken to further the guaranteeing public accountability by fostering the trust of the victims' families and the society and continue to provide information to the public about the outcome of the investigations into non-combat death cases.*

*For the comprehensive execution of the judgment in question it is planned to continue working meetings, bilateral and multilateral consultations with different agencies, organisations, members of civil society.*

*Highly valuing the assessments and recommendations made by both the Court and other international treaty bodies in respect of Armenia, Armenian authorities are determined to continue to elaborate practical and result oriented measures to tackle the shortcomings identified by the Court and increase the efficiency of domestic capacity for rapid execution of the judgments in respect of Armenia.*

#### **IV. STATE OF EXECUTION**

55. In line with foregoing, it has to be emphasized that Armenian authorities give serious consideration to the shortcomings addressed by the Court acknowledging and considering them as a matter of high priority. Distinguishing between rights that demand immediate implementation and those that must be realised progressively, the Government assert, that the addressed issues are major dimensions of national human rights development policy. In that respect, the Government will periodically update the Committee of Ministers as to the progress of the execution of the Court's judgment under consideration.

56. In the light of the progress made in the implementation of the judgment, as detailed above, the Government propose to consider the possibility of reclassifying the case from enhanced to standard supervision.

ANNEX

HUMAN RIGHTS PROTECTIVE/PREVENTIVE MEASURES		
Awareness-raising trainings (timeframe)	Ill-treatment/suicide prevention (timeframe)	Complaint mechanisms (timeframe)
<p>(i) Ministry of Defence organises trainings and lectures for conscripts and military officials on strengthening the application of human rights standards in the armed forces (<i>regularly</i>).</p> <p>(ii) Within the framework of co-operation between the Ministry of Defence and the OSCE Office in Yerevan, courses on human rights awareness-raising were held both for conscripts and military officials (<i>from 2012 till 2016</i>).</p> <p>(iii) For the purpose of introducing the rights and guarantees prescribed by the legislation to the military servants and raising their awareness, the executive order of Chief of the General Staff of the Armed Forces of the Republic of Armenia "On ensuring social and legal guarantees for and protection of military servants and their family members" was issued. In that respect methodological trainings are held (<i>systematically</i>).</p>	<p>(i) For the prevention of torture and other cruel treatment against the military servants, as well as for raising their awareness about the existing complaint mechanisms, the officers of the Military Police together with the Ministry of Defence, organises training and various meetings, with a focus on impermissibility of torture and other cruel treatment against military servants and the inevitability of punishment (<i>regularly</i>).</p> <p>(ii) With regard to the prohibition of torture and other cruel treatment, courses on "Human Rights in the Armed Forces" were held with the support of the OSCE Office in Yerevan, with the participation of about 500 military servants. The courses were attended by police officers, investigators, members of the discipline-military units, commanders and others. The courses were focused on the introduction of European human rights standards in the armed forces. For that respect theoretical and practical trainings, as well as moot court games on topics about the right to life, respect for dignity, exclusion of torture and other cruel inhuman treatment, as well as other related topics were held (<i>till 2016</i>).</p> <p>(iii) Expert groups of sociologists, lawyers and psychologists, together with OSCE Office in Yerevan, held trainings in military units on social-psychological and legal adaptation of newly drafted military servants, coping with stressful factors of service and prevention of conflicts. The specific aspects of the mental state of newly drafted military servants were presented through particular examples, and general recommendations were given with regard to the prevention of the wrongful behavior resulting therefrom (<i>till 2016</i>).</p> <p>(iv) With a view to organising the proper maintenance of the crime scene and physical evidence at the time of incidents occurring in the Armed Forces of the Republic of Armenia,</p>	<p>(i) With a view to receiving information from conscripts, their family members and other persons, NGO's in connection with the military service, discussing their complaints and applications, as well as timely resolving the existing issues, the commanders of the military units hold an "open day" events in military units. The applications of the parents of military servants addressed to the highest officials of the defence agency of the Republic of Armenia regarding the service are examined in detail and relevant recommendations are submitted for the purpose of resolving the issues raised (<i>each month</i>).</p> <p>(ii) With a view to immediately and promptly informing the relevant competent authorities of negative phenomena affecting the everyday life of conscripts and of alleged violations of their rights, direct communications (mailbox, phone numbers, etc.) with the</p>

	<p>providing necessary assistance to the law enforcement bodies during the exercise of their powers, raising the level of legal preparedness and developing the skills and abilities of the subordinate personnel, courses are organised in military units in cooperation with the relevant specialists of "National Bureau of Expertise" SNCO of the National Academy of Sciences of the Republic of Armenia (<i>regularly</i>).</p> <p>(v) Acknowledging the importance of suicide prevention and for strengthening the discipline and preventing emergency cases, seminars and discussions on topics "Ensuring the mental and psychological stability of military servants" and "Reasons of, factors contributing to and ways of preventing the phenomena of suicide and incitement to suicide", as well as training courses for military officers are organised (<i>regularly</i>).</p> <p>(vi) The causal relationship between the incidents of non-statutory relations, use of violence and insults recorded in the Armed Forces is systematically analysed, the reasons and conditions contributing thereto are identified by conducting internal investigations and, with a view to excluding the reoccurrence of such incidents, assignments and instructions are issued by the Ministry of Defence (<i>regularly</i>).</p> <p>(vii) Pursuant to sub-point 1 of point 3 of Order of the Minister of Defence No 1525 of 25 December 2015, for the purpose of maintaining discipline and legal order in military units, and particularly for the protection and prevention of violent crimes, unannounced inspections and visits with the involvement of officers of the garrison divisions (units) of the Military Police are organised (<i>regularly</i>).</p>	<p>Ministry of Defence, commanders of the military formations, military law enforcement bodies, and Military Prosecutor's Office are available and are widely used in the Armed Forces (<i>regularly</i>).</p> <p>(iii) The 1-28 hotline service has been launched in the Centre for Human Rights and Integrity Building of the Ministry of Defence on 11 January 2017, which enables military servants and civilians to report effective on any issue related to the Armed Forces via a free call. According to the established practice, any incident recorded via the hotline is forwarded to the relevant subdivision or service for the purpose of examining the incident, establishing its circumstances and taking relevant measures (<i>regularly</i>).</p>
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